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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,244	12/31/2003	James A. Macove	105428-2	8872
21125 7590 11/27/2007 NUTTER MCCLENNEN & FISH LLP WORLD TRADE CENTER WEST 155 SEAPORT BOULEVARD BOSTON, MA 02210-2604			EXAMINER PRONE, JASON D	
			ART UNIT 3724	PAPER NUMBER
			NOTIFICATION DATE 11/27/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@nutter.com

## Office Action Summary

Application No.

10/750,244

Applicant(s)

MACOVE, JAMES A.

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21,22,24-27,30-32 and 40-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21,22,24-27,30-32 and 40-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☒ Other: Appendix A

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 40-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regards to claim 41 line 18, the phrase "the second blade group further includes a blade platform" is unclear. It is uncertain if this blade platform is the same structure previously disclosed on lines 11-12 or if it is another blade platform.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 41-44 are rejected under 35 U.S.C. 102(b) as anticipated by Rozenkranc (6,276,061). See Appendix A for examiner added reference labels.

In regards to claim 41, Rozenkranc discloses the same invention including a razor system providing both broad area shaving and trim shaving blade groups within a single cartridge (2), an elongate handle defining a handle axis (1), the razor cartridge disposed on the handle (Fig. 2) having a first blade group having a plurality of blades configured to provide a broad area shaving in a first working plane (3), the first plane

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being defined by a blade platform having leading and trailing glide surfaces (1wp extends from 5 to 6), the first working plane intersects the handle axis (Fig. 2) and the plurality of razor blades being provided at an acute angle to the first working plane (3 and 1wp), a second blade group having at least one razor blade (4) configured to provide trim shaving in a second work plane (2wp), the second working plane being defined by a blade platform having leading (400) and trailing surfaces (401), the second working plane intersects the handle axis (Fig. 2a) and the at least one razor blade being provided at an acute angle to the second working plane (4 and U), the first and second working planes intersect each other so as to define a line of intersection that is substantially transverse to the handle axis (Fig. 2), the first and second working planes intersect at an included angle between about  $0^{\circ}$  and  $150^{\circ}$  (1wp and 2wp clearly form an angle that is greater than  $0^{\circ}$  and less than  $90^{\circ}$ , also see page 13 of applicant's remarks in the most recent response), the second blade group includes a blade platform (400 extending to 401) and a leading-edge blade guard (400a), and the leading-edge blade guard having a thin profile to allow a distance between the at least one razorblade and the skin to be optimally minimized (TP)

In regards to claim 42, Rozenkranc discloses the first and second working planes are configured to allow conversion by a user from broad area shaving to trim shaving by rotating the handle  $180^{\circ}$  about the handle axis (Figs. 2a and 3a).

In regards to claim 43, Rozenkranc discloses wherein at least a portion of the handle is symmetric to facilitate handling of the handle for either broad area shaving or trim shaving (Figs. 2 and 3).

In regards to claim 44, Rozenkranc discloses the handle is elongated and has a curve at an end attached to the razor cartridge (1) and the curve being concave on the same side as the first blade group (Fig. 2).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21, 22, 24-27, 30-32, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc with evidence reference WO 94/26476. See Appendix A for examiner added reference labels.

In regards to claim 21, Rozenkranc discloses the invention including a razor cartridge (2) for use with a handle (1), the razor cartridge defines a handle axis (Fig. 2), a first blade group provided on the razor cartridge and having a plurality of blades (3) configured to provide a broad area shaving in a first working plane (1wp), the first plane being defined by a blade platform having leading and trailing glide surfaces (1wp extends from 5 to 6), the first working plane intersects the handle axis (Fig. 2) and the plurality of blades in the first blade group are angled at an acute angle with respect to the first working plane (3 and 1wp), a second blade group provided on the razor cartridge and having at least one razor blade (4) configured to provide trim shaving in a second work plane (2wp), the second working plane being defined by a blade platform having leading (400) and trailing surfaces (401), the second working plane intersects

the handle axis (Fig. 2a) and the at least one razor blade in the second group is angled at an acute angle with respect to the second working plane (4 and 2wp), and the first and second working planes intersect each other so as to define a line of intersection that is substantially transverse to the handle axis (Fig. 2).

In regards to claim 22, Rozenkranc discloses the blades in the first group are parallel to each other (3).

In regards to claim 24, Rozenkranc discloses the line of intersection is orthogonal to the handle axis (Fig. 2).

In regards to claim 25, Rozenkranc discloses the handle is attached to the razor cartridge (1) and at least a portion of the handle extending along the handle axis (1).

In regards to claim 26, Rozenkranc discloses the first and second working planes are configured to allow conversion by a user from broad area shaving to trim shaving by rotating the handle 180° about the handle axis (Figs. 2a and 3a).

In regards to claim 27, Rozenkranc discloses wherein at least a portion of the handle is symmetric to facilitate handling of the handle for either broad area shaving or trim shaving (Figs. 2 and 3).

In regards to claim 30, Rozenkranc discloses the handle is elongated and has a curve at an end attached to the razor cartridge (1) and the curve being concave on the same side as the first blade group (Fig. 2).

In regards to claims 31 and 32, Rozenkranc discloses the secondary blade group has a leading-edge blade guard having a thin profile to allow a distance between the

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cutting blade and the skin (51) and the secondary blade group has a single razor blade (4).

However, in regards to claims 21 and 40, Rozenkranc remains silent with respect to the first and second working planes intersect at an angle between about 75° and 135°. WO 94/26476 provides evidence that it is old and well known in the art of double sided razor cartridges to alter the intersection angle between the two working planes (Figs. 5A, 5B, and 6).

In light of WO 94/26476, Rozenkranc does not disclose the first and second working planes intersect at an angle between about 75° and 135° but it would have been obvious to one having ordinary skill in the art at the time the invention was made to intersect the plane angles at an angle between about 75° and 135°, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233. It is noted that there are a limited number of angles available to a person skilled in the art for the working plane intersection angle and it would have been obvious to one of ordinary skill in the art to have experimented to as shown by WO 94/26476 to increase this working plane intersection angle. It is not inventive to discover the optimum or workable ranges by routine experimentation. Therefore, it would have been an obvious to one of ordinary skill in the art to have modified the device of Rozenkranc to obtain the specified angle. The claim would have been obvious because a person of ordinary skill has good reason to pursue the known

options within technical grasp. If this leads to the anticipated success, it is likely the product is not of innovation but of ordinary skill and common sense.

### ***Response to Arguments***

7. Applicant's arguments, with respect to claims 40-44, filed 18 September 2007 have been fully considered but they are not persuasive. Rozenkranc clearly discloses a leading-edge blade guard with a thin profile 400a. For example, the structure represented by 400a can be considered thin because, in relation to the leading edge blade guard of the first working plane 6, item 400a is clearly thinner. All claim 41 is claiming is a leading-edge blade guard with a thin profile which Rozenkranc clearly discloses and also the profile of items 400a and blade 4 would clearly allow a distance between the at least one razor blade and the skin to be optimally minimized in comparison to items 3 and 6 or there would be no need for blade 4.

8. Applicant's arguments with respect to claims 21, 22, 24-27, and 30-32 have been considered but are moot in view of the new ground(s) of rejection. It is old and well known in the art of any type of tool to make adjustments with regards to intended uses.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within



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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 8:00-5:30, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

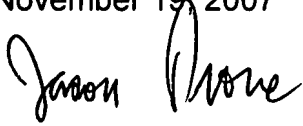
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November 19, 2007

A handwritten signature in black ink, appearing to read "Jason Prone". The signature is written in a cursive, flowing style.

Patent Examiner

Jason Prone

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T.C. 3700

Appendix A

